

ESSB 6381 - H AMD TO H AMD (H-5516.6/10) 1534

By Representative Shea

ADOPTED 3/08/2010

1 On page 29, line 24 of the striking amendment, after "request."
2 insert "If the department determines that all or a portion of real
3 property or an interest in real property that was acquired through
4 condemnation within the previous ten years is no longer necessary for
5 a transportation purpose, the former owner has a right of repurchase
6 as described in this subsection. For the purposes of this subsection,
7 "former owner" means the person or entity from whom the department
8 acquired title. At least ninety days prior to the date on which the
9 property is intended to be sold by the department, the department must
10 mail notice of the planned sale to the former owner of the property at
11 the former owner's last known address or to a forwarding address if
12 that owner has provided the department with a forwarding address. If
13 the former owner of the property's last known address, or forwarding
14 address if a forwarding address has been provided, is no longer the
15 former owner of the property's address, the right of repurchase is
16 extinguished. If the former owner notifies the department within
17 thirty days of the date of the notice that the former owner intends to
18 repurchase the property, the department shall proceed with the sale of
19 the property to the former owner for fair market value and shall not
20 list the property for sale to other owners. If the former owner does
21 not provide timely written notice to the department of the intent to
22 exercise a repurchase right, or if the sale to the former owner is not
23 completed within seven months of the date of notice that the former
24 owner intends to repurchase the property, the right of repurchase is
25 extinguished."

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EFFECT: Provides a former property owner whose property or interest in a property was originally acquired through condemnation within the previous 10 years by the WSDOT with a right of repurchase for that property if the WSDOT determines that the property is no longer necessary for a transportation purpose and should be sold as a surplus property. A former property owner is defined as the person or entity from whom the WSDOT acquired title. The WSDOT is required to mail notice at least 90 days prior to the planned sale of a surplus property to the former owner's last known address or forwarding address, which must be the correct address in order for the right of repurchase to survive. If the former owner notifies the WSDOT within 30 days of the date of the notice of the former owner's intent to repurchase the property, the WSDOT must sell the property to the former owner at fair market value without listing the property for sale to other owners. If the former owner does not provide timely notice of intent to repurchase, or if the sale to the former owner is not completed within seven months of the notice from the former owner, the right of repurchase is extinguished.

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